UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

JOIIN HANCOCK LIFE INSURANCE COMPANY, JOHN HANCOCK VARIABLE LIFE INSURANCE COMPANY, and MANULIFE INSURANCE COMPANY (f/k/a INVESTORS PARTNER INSURANCE COMPANY),	CIVIL ACTION NO. 05-11150-DPW
Plaintiffs,	
v.	
ABBOTT LABORATORIES,	
Defendant.	

AFFIDAVIT OF DR. BARRY I. GOLD

I, Dr. Barry I. Gold, hereby state under oath that:

1. I am a consultant to the pharmaceutical industry and who has been engaged by Choate Hall & Stewart LLP on behalf of plaintiffs John Hancock Life Insurance Company, John Hancock Variable Life Insurance Company and Manulife Insurance Company (collectively, "John Hancock" or "Hancock") to provide expert assistance and testimony in this action regarding the research and development of new pharmaceutical compounds, particularly among large pharmaceutical or "Big Pharma" companies.

2. I received a Ph.D in pharmacology from Boston University and a post doctoral fellowship from Yale University School of Medicine. My initial experience in the pharmaceutical industry was as Group Leader of Biochemistry at Anaquest, a pharmaceutical company. I moved into pharmaceutical development after Anaquest as Associate Director of Clinical Research at Roberts Pharmaceuticals, then as Director of Project Management for Central Nervous System and Biologicals at Wyeth, and later as Director of Project Management at Knoll Pharmaceutical. I was briefly employed by Abbott after Abbott acquired Knoll Pharmaceutical in or about early 2001. A copy of my current *curriculum vitae* is appended to this affidavit as Exhibit A.

3. This affidavit is submitted in support of John Hancock's Motion for Partial Summary Judgment on Count II of its First Amended Supplemental Complaint.

4. "Neuropathic pain" is chronic pain resulting from injury to the peripheral nervous system.

5. A "double-blinded" clinical trial is one in which the investigating physician does not know whether he or she is administering an investigational drug (as opposed to a placebo or active control) to any particular patient, and the patient does not know what he or she is receiving. Although blinded clinical trials typically remain blinded until after the study has been concluded, a great deal of data still are provided by investigators to the trial's clinical monitor and sponsor while the trial is underway. For example, all demographic data are reported. Such data would include a patient's age, gender, weight, height, other illnesses and diagnosis. In addition, adverse events are reported to the clinical monitor, sometimes daily and sometimes "online." A

large number of adverse events during a clinical trial can be a signal that the trial results are likely to be negative if the adverse events cause high dropout from the trial. *Id.*

6. Gram staining is an empirical method of differentiating bacterial species into two large groups (Gram positive ("+") or Gram negative ("-")) based on the chemical and physical properties of their cell walls.

7. Abnormal prolongation of the human heartbeat is known as "QT" or "QTc" prolongation. QT prolongation can lead to polymorphic ventricular tachycardia or *torsade de pointes*, which itself may lead to ventricular fibrillation and sudden cardiac death.

8. Liver toxicity is chemical-driven liver damage. Liver toxicity also is known as "hepatoxicity," "hepatotoxicity" or simply as "liver tox."

Signed under the pains and penalties of perjury this 17th day of July, 2007.

Barry I. Gold, Ph.D

Exhibit A

Barry I. Gold, Ph.D.

217 Lane Gate Road
Cold Spring, NY 10516

barry.gold@att.net
845-265-2210 home office
973-615-4089 cell

Extensive pharmaceutical industry experience in:

- Due diligence analysis, both licensing and M&A
- Alliance development, management and strategy
- Portfolio management, developing drugs and therapeutic areas
- Drug discovery, development portfolio management

PROFESSIONAL EXPERIENCE

Consultant to the Pharmaceutical Industry — ***2004 – present***

Contract consultant for three Washington-area consulting companies in project design and budgeting, sourcing, drug candidate review and product defense. Expert witness testimony.

Great Harvest Bread Co® — ***2002 – 2004***
Franchise Owner/Manager — ***Westfield, NJ***

Purchased franchise, negotiated lease, managed store construction
Equipped store, trained staff, ran production, training & sales
Forecast budgets, developed P&L statements
Negotiated sublease & liquidated the business

Knoll Pharmaceutical Co. — ***1998 – 2001***
Director, Project Management — ***Mt. Olive, NJ, Nottingham, UK Ludwigshafen, Germany***

Drafted department mission and goals
Managed cancer and pain developmental portfolios internationally
Filed U.S. and European registrations for Dilaudid XR
Forecast budget; tracked expenses, reported to Board of Directors
Managed Dilaudid project transition to Abbott

Wyeth-Ayerst Research (now Wyeth) — ***1994 – 1998***
Director, Project Management, CNS & Biologicals — ***Radnor, PA Paris, FR***

Managed Central Nervous System & vaccine developmental portfolios internationally
Managed alliances with Alza, Servier, Interneuron, Scios and Asta-Medica
Registered Ef(f)exor XR and Sonata in U.S. and Europe
Managed transition of CNS portfolio after Lederle acquisition
Chaired CNS Therapeutic Area Council, developed strategic direction

The Genesis Group ***1993 – 1994***
Consultant ***Montclair, NJ***

Developed pharmaceutical industry intelligence & reported in their newsletter
Privately developed business plans, raised capital & attempted leveraged buyout of a small pharmaceutical company. Consulted on project design to startup companies

Roberts Pharmaceutical Corp. (now Shire) ***1992 – 1993***
Associate Director, Clinical Research ***Eatontown, NJ***

Managed clinical trials, out-license efforts and alliance development
Introduced project- and team-management into development

Export Management for Science ***1990 – 1992***
Consultant ***Summit, NJ***

Developed alliances between U.S. & offshore technology companies
Built an E-commerce business before the Internet

Anaquest, Division of the BOC Group ***1984 – 1989***
Group Leader, Biochemistry ***New Providence, NJ***

Recruited from academics to build and manage a biochemical pharmacology laboratory
Reviewed licensing opportunities and chaired anew technology surveillance committee

Uniformed Services University of the Health Sciences ***1978 – 1984***
Assistant Professor ***Bethesda, MD***

Managed medical research laboratory and taught second-year medical students
Consulted to pharmaceutical companies

EDUCATION

Bachelor of Science, Zoology
University of Cincinnati, Cincinnati, OH

Doctor of Philosophy, Pharmacology
Boston University, Boston, MA
Received the Sandoz Award for contribution to health care

Postdoctoral Fellow, Pharmacology and Psychiatry
Yale University, New Haven, CT
Received U.S. Government National Research Service Awards for postdoctoral study

OTHER PROFESSIONAL ACTIVITY

Adjunct faculty, Jersey City State College, Jersey City, NJ (1992 – 1997)
Director, National Health Association, Summit, NJ Chapter (1993)
Feature article writer, published in Woman's Day and others
Expert witness for counsel
Authored book on the history of aspirin (pending)

HONORS

Listed in: Who's Who in Frontier Science and Technology;
American Men and Women of Science
Member of Governor Whitman's (NJ) Council on Drug Abuse Prevention
Member of Governor's Speaker's Bureau
Member of American Society for Pharmacology and Experimental Therapeutics